

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1008 be amended to read as follows:

- 1 Page 8, between lines 5 and 6, begin a new paragraph and insert:
2 "SECTION 5. IC 8-9.5-8-10 IS AMENDED TO READ AS
3 FOLLOWS [JULY 1, 2006] [EFFECTIVE JULY 1, 2006]: Sec. 10. (a)
4 Except as provided in section 11 of this chapter, the authority may issue
5 toll road bonds under IC 8-15-2 or toll bridge bonds under IC 8-16-1
6 only:
7 (1) after obtaining the approval of the commissioner of the
8 Indiana department of transportation;
9 (2) after the general assembly has ~~based on the recommendations~~
10 ~~of the commissioner of the Indiana department of transportation,~~
11 provided for the issuance of the bonds by establishing in an act
12 the maximum aggregate principal amount of bonds that the
13 authority may issue;
14 (3) after the authority has delivered to the budget agency a
15 written guarantee that the aggregate amount of attorney's fees for
16 the particular proposed bond issue will not exceed two-tenths of
17 one percent (0.2%) of the principal amount of the proposed issue
18 of toll road and toll bridge bonds; and
19 (4) with the approval of the budget committee, the budget
20 agency, and the governor.
21 (b) The authority may include money from the rural transportation
22 road fund as a source of revenue in the performance of contracts and
23 leases with the Indiana department of transportation under
24 IC 8-23-2-6(a)(3). Revenues from that allocation may be used in the
25 determination of the feasibility of a toll road or toll bridge project."
26 Page 15, between lines 35 and 36, begin a new paragraph and
27 insert:
28 "SECTION 9. IC 8-15-2-4, AS AMENDED BY P.L.235-2005,
29 SECTION 116, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, the
31 following words and terms shall have the following meanings, unless

the context shall indicate another or different meaning or intent:

(1) "Authority" refers to the Indiana finance authority established under IC 4-4-11.

(2) "Capitalized interest" means:

(A) interest costs on toll road revenue bonds before and during the period of construction of the project for the payment of the cost of which the bonds were issued, and for one (1) year after completion of construction; and

(B) interest costs on succeeding lien bonds authorized by this chapter for the period from the date of such bonds until the date when the prior outstanding toll road revenue bonds, for which revenues are pledged, are retired, but not later than ten (10) years from the date of issue of the succeeding lien bonds.

(3) "Department" refers to the Indiana department of transportation.

(4) "Project" or "toll road project" means any express highway, superhighway, or motorway constructed under the provisions of this chapter or accepted as a toll road under IC 8-23-7, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, tollhouses, service stations, and administration, storage, and other buildings and facilities which the authority may deem necessary or desirable for the operation of the project, together with all property, rights, easements, and interests which may be acquired by the authority for the construction or the operation of the project. "Project" or "toll road project" includes any subsequent improvement, betterment, enlargement, extension, or reconstruction of an existing project. Each project or toll road project may be constructed or extended in such sections as the authority may from time to time determine, and shall be separately designated by name or number, which designation shall also apply to any project which is a subsequent improvement, betterment, enlargement, extension, or reconstruction of such project. The construction, maintenance, or operation, of transient lodging facilities on, or adjacent to any such project, or the contracting therefor, shall not be considered as within the definition of "project" or "toll road project". **The term also includes projects on the department's long range comprehensive transportation plan developed under IC 8-23-2-5.**

(5) "Cost" as applied to a toll road project or any part of a toll road project includes:

(A) the cost of construction, including bridges over or under existing highways and railroads;

(B) the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the authority for such construction;

(C) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures

- 1 may be moved;
- 2 (D) the cost of diverting highways, interchange of highways,
- 3 and access roads to private property, including the cost of
- 4 land or easements therefor;
- 5 (E) the cost of all machinery and equipment;
- 6 (F) financing charges and capitalized interest;
- 7 (G) the cost of funding any reserves to secure the payment
- 8 of toll road revenue bonds;
- 9 (H) the cost of traffic estimates and of engineering and legal
- 10 expenses, plans, specifications, surveys, estimates of cost
- 11 and revenues;
- 12 (I) other expenses necessary or incident to determining the
- 13 feasibility or practicability of constructing any such project;
- 14 (J) administrative expense;
- 15 (K) such other expenses as may be necessary or incident to
- 16 the construction of the project, the financing of such
- 17 construction, and the placing of the project in operation; and
- 18 (L) the cost of conversion to a toll road project of a state
- 19 highway or part of a highway accepted as a toll road project
- 20 under IC 8-23-7.
- 21 Any obligation or expense incurred by the department for
- 22 surveys, borings, preparation of plans and specifications, and
- 23 other engineering services in connection with the construction of
- 24 a project under this chapter or for the repayment of a grant from
- 25 a federal agency which the authority itself would be authorized to
- 26 repay under section 5(9) of this chapter in connection with such
- 27 project or with the issuance of bonds for the payment of the cost
- 28 of such project, shall be regarded as a part of the cost of such
- 29 project and shall be reimbursed to the state out of the proceeds of
- 30 toll road revenue bonds as authorized.
- 31 (6) "Owner" includes all individuals, copartnerships,
- 32 associations, limited liability companies, or corporations having
- 33 any title or interest in any property, rights, easements, and
- 34 interests authorized to be acquired by this chapter.
- 35 (7) "Revenues" means all tolls, rentals, gifts, grants, money, and
- 36 all other funds and property coming into the possession or under
- 37 the control of the authority by virtue of the terms and provisions
- 38 of this chapter, except the proceeds from the sale of bonds issued
- 39 under the provisions of this chapter and earnings thereon. **The**
- 40 **term includes tolls established by rules that were adopted by**
- 41 **the authority or the Indiana department of transportation,**
- 42 **or both, and were published as proposed rules in the Indiana**
- 43 **Register on February 1, 2006.**
- 44 (8) "Public roads" includes all public highways, roads, and streets
- 45 in the state, whether maintained by the state, county, city,
- 46 township, or other political subdivision.
- 47 (9) "Transient lodging facility" means accommodations for
- 48 overnight or temporary habitation, including, but not limited to,

hotels, motels, motor courts, lodges, and inns, for persons using any toll road project.

(10) "Toll road bonds" means all bonds issued under the provisions of this chapter, including refunding bonds and succeeding lien bonds.

(11) "State highway" means a public road for which the department is responsible under IC 8-23-2."

Page 18, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 10. IC 8-15-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Subject to IC 8-9.5-8-10, the authority is authorized to provide by a resolution at one (1) time or from time to time for the issuance of toll road revenue bonds of the state for the purpose of paying all or any part of the cost of any one (1) or more toll road projects **or providing funding for projects on the department's long range comprehensive transportation plan developed under IC 8-23-2-5.** The principal of and the interest on such bonds shall be payable solely from an allocation of money from the rural transportation road fund under IC 8-9.5-8-16 or from the revenues or from the proceeds of bonds issued under the provisions of this chapter and earnings thereon, or from all three (3).

(b) The bonds of each issue shall:

(1) be dated;

(2) bear interest at such rate or rates as shall be established by the authority;

(3) mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the authority; and

(4) be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds.

(c) The authority shall:

(1) determine the form of the bonds, including any interest coupons to be attached thereto;

(2) fix the denomination or denominations of the bonds; and

(3) fix the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state.

(d) The bonds shall be signed by the chairman of the authority or by his facsimile signature, and attested to by the manual or the facsimile signature of the secretary-treasurer of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The authority

1 may also provide for the authentication of the bonds by a trustee or
2 fiscal agent.

3 (e) All bonds issued under the provisions of this chapter shall have
4 and are declared to have all the qualities and incidents of negotiable
5 instruments under the negotiable instruments law of the state of Indiana.

6 (f) The bonds may be issued in coupon or in registered form, or
7 both, as the authority may determine, and provisions may be made for
8 the registration of any coupon bonds as to principal alone and also as
9 to both principal and interest, and for the reconversion into coupon
10 bonds of any bonds registered as to both principal and interest.

11 (g) The authority may sell such bonds in such manner and for such
12 price as it may determine to be for the best interests for the state, either
13 at a public or private sale.

14 (h) The proceeds of the bonds of each issue shall be:

15 (1) used solely for the payment of the cost of the toll road project
16 or projects for which such bonds shall have been issued; and

17 (2) disbursed in such manner and under such restrictions, if any,
18 as the authority may provide in authorizing the issuance of such
19 bonds or in the trust agreement mentioned securing the same.

20 (i) If the proceeds of the bonds of any issue, by error of estimates
21 or otherwise, shall be less than such cost, additional bonds may in like
22 manner be issued to provide the amount of such deficit, and, unless
23 otherwise provided in the resolution authorizing the issuance of such
24 bonds or in the trust agreement securing the same, shall be deemed to
25 be of the same issue and shall be entitled to payment from the same
26 fund without preference or priority of the bonds first issued.

27 (j) If the proceeds of the bonds of any issue shall exceed the cost
28 of the toll road project or projects for which the same shall have been
29 issued, the surplus shall be deposited to the credit of the sinking fund
30 for such bonds. **However, if the bonds are issued for the purpose of**
31 **providing funding for projects on the department's long range**
32 **comprehensive transportation plan developed under IC 8-23-2-5,**
33 **the proceeds of the bonds shall be deposited in the state highway**
34 **fund.**

35 (k) Prior to the preparation of definitive bonds, the authority may
36 under like restrictions, issue interim receipts or temporary bonds, with
37 or without coupons, exchangeable for definitive bonds when such bonds
38 shall have been executed and are available for delivery. The authority
39 may also provide for the replacement of any bonds which shall become
40 mutilated or shall be destroyed or lost.

41 (l) Except as provided by IC 8-9.5-8-10, bonds may be issued
42 under the provisions of this chapter without:

43 (1) obtaining the consent of any department, division,
44 commission, board, bureau, or agency of the state; and

45 (2) any other proceedings or the happening of any other
46 conditions or things than those proceedings, conditions, or things
47 which are specifically required by this chapter."

48 Page 22, line 29, delete "All" and insert "Except as otherwise

- 1 **provided by section 9 of this chapter, all".**
- 2 Page 28, line 23, after "Sec. 1." insert "(a)".
- 3 Page 28, line 23, after "to" insert "**subsection (b) and**".
- 4 Page 28, between lines 41 and 42, begin a new paragraph and
- 5 insert:
- 6 **"(b) The authority may not enter into a public-private**
- 7 **agreement concerning the Indiana Toll Road before January 1,**
- 8 **2008."**
- 9 Page 29, line 3, after "chapter." insert "**However, the authority**
- 10 **may not issue a request for proposals for a public-private**
- 11 **agreement concerning the Indiana Toll Road under this chapter**
- 12 **before January 1, 2008."**
- 13 Page 50, between lines 29 and 30, begin a new paragraph and
- 14 insert:
- 15 **"SECTION 32. [EFFECTIVE JULY 1, 2006] The general**
- 16 **assembly authorizes the Indiana finance authority to issue**
- 17 **additional toll road revenue bonds under IC 8-15-2 in a total**
- 18 **principal amount not to exceed one billion five hundred million**
- 19 **dollars (\$1,500,000,000) for the purpose of providing funding for**
- 20 **projects on the department's long range comprehensive**
- 21 **transportation plan developed under IC 8-23-2-5 ."**
- 22 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1008 as printed February 24, 2006.)

Senator SIMPSON